Mr KS Nalwa, Advocate.
Mr Vikas Chaudhary, AAG Haryana.
Ms Nirmaljit Kaur, Advocate for the complainant.

This petition has been filed under Section 438 CrPC for the grant of pre arrest bail in case FIR 126 dated 9.2.2006 registered for the offence under Sections 323, 498-A, 506, 406 IPC at Police Station DLF Gurgaon.

The dispute in the present case is a matrimonial one between the complainant – Mukta Saxena and Ankur Saxena who is the son of the petitioners. They have entered into a compromise in the present proceedings and the compromise has been recorded in the connected Criminal Misc 16867 of 2006. It has been tendered as Ex C1 in the said petition. Statements of Ankur Saxena – petitioner in the said case and the complainant – Smt Mukta Saxena have been recorded in Court in the said petition. Both have stated that they would remain bound by the compromise. The complainant is somewhat apprehensive that the flat No.705, Intelligentsia, Plot No.60, Sector 56 Gurgaon which has been agreed to be transferred by the second party in her name is likely to be delayed. Mr Nalwa has submitted that once the matter has been settled, the

modalities for giving effect to the compromise shall be carried out and, therefore, the apprehension expressed by the complainant is unfounded. Both the parties shall cooperate in withdrawing cases against each other and the petitioner shall take steps to transfer the plot in question in favour of the complainant so that a quietus can be put to the pending litigations which are there between the parties.

Insofar as this petition is concerned, in view of the compromise, nothing survives. Learned counsel for the State has submitted that in view of the compromise entered into between the parties, the custody of the petitioners is not required for the purposes of investigation.

The petitioners, in the event of their arrest, shall be admitted to bail on their furnishing personal bonds and surety each in the like amount to the satisfaction of arresting/investigating officer subject to the provisions of Section 438 CrPC.

Disposed of accordingly.

5.4.2007. (S.S.SARON)
ASR JUDGE